

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GERARDO MOJICA-FABIAN,

Petitioner,

v.

LINDA SANDERS, Warden,

Respondent.

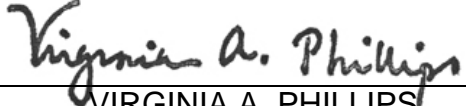
Case No. CV 11-4904-VAP (JEM)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. No Objections to the Report and Recommendation have been filed within the time allowed for Objections. The Court accepts the findings and recommendations of the Magistrate Judge.

IT IS HEREBY ORDERED that Respondent's Motion to Dismiss be granted and that Judgment be entered dismissing the Petition for Writ of Habeas Corpus without prejudice to Petitioner filing a new habeas petition in the District of Kansas if he obtains the proper certification from the Tenth Circuit to allow him to file a successive § 2255 motion.

DATED: December 2, 2011


VIRGINIA A. PHILLIPS
UNITED STATES DISTRICT JUDGE